

# **INDIANA BOARD OF PHARMACY**

**Indiana Professional Licensing Agency  
Conference Center Room W064  
402 W. Washington St.  
Indianapolis, IN 46204**

**MINUTES OF January 14, 2008**

## **CALL TO ORDER & ESTABLISHMENT OF QUORUM**

President and Presiding Officer Steve Anderson called the meeting to order at 9:17 a.m. in Conference Center Room W064 of the Indiana Government Center-South, 402 West Washington Street, Indianapolis, Indiana 46204, and declared a quorum, in accordance with IC § 25-26-13-3.

### **Board Members Present:**

Steve Anderson, R.Ph., President  
William Cover, R.Ph., Vice President  
Del T. Fanning, R.Ph., Member  
Donna Wall, PharmD., R.Ph, Member  
Winnie Landis, R.Ph., Member  
Anika Calloway, J.D., Member

### **State Officials Present:**

Marty Allain, Board Director, Indiana Professional Licensing Agency  
Amy M. Phillips, Assistant Board Director, Indiana Professional Licensing Agency  
Tasha Coleman, Case Manager, Indiana Professional Licensing Agency  
Gordon White, DAG, Advisory Counsel, Office of the Attorney General

*Sara St. Angelo, PharmD, Member, in settlement conference at the beginning of the meeting.*

## **ADOPTION OF AGENDA**

A motion was made and seconded to adopt the agenda, as amended.

**Landis/Cover**

**Motion carried 6/0/0**

## **PERSONAL APPEARANCES**

Reports were given by the Compliance Officers.

Presentation of Distinguished Hoosier Award to Leroy Rhea.

Harish Nair and his counsel Michael McMains appeared before the board regarding his reciprocal pharmacist application. A motion was made and seconded to issue a probationary license to Mr. Nair conditioned upon Mr. Nair passing the MPJE.

**Cover/Wall**

**Motion carried 6/0/0**

Thomas Andrew MacLean and his counsel Michelle Baldwin appeared before the board regarding his pharmacist renewal application. A motion was made and seconded to issue a probationary license conditioned upon Mr. MacLean passing the NAPLEX and MPJE.

**Cover/Wall**

**Motion carried 6/0/0**

*Donna Wall and Anika Calloway attended a settlement conference with Michael McMains and Mark Mader.*

**In the Matter of the Indiana License of Melanie Powell, R.Ph.**

Certification No. 26014597A

Administrative Cause No. 2007 IBP 0070

Re: Final Hearing

**Parties and Counsel Present:**

Heather Kennedy, DAG

**Participating Board Members:**

Fanning

Anderson

Landis

St. Angelo

Cover

**Witnesses for the Respondent:**

None

**Witnesses for the State:**

None

**Case Summary:**

The parties presented a settlement agreement.

**Board Action:**

A motion was made and seconded to accept the settlement agreement voluntarily suspending Respondent's license.

**Cover/Fanning**

**Motion carried 4/0/1 (Landis abstained)**

Cardinal Health Nuclear Pharmacy Services representatives appeared before the board regarding its Electronic Data Intermediary Application. A motion was made and seconded to approve the EDI application conditioned upon the submission of additional documentation supporting the application.

**Cover/Fanning**

**Motion carried 5/0/0**

College Pharmacy representatives appeared before the board regarding its Nonresident Pharmacy Renewal Application. A motion was made and seconded to refer the matter to the attorney general's office for investigation.

**Landis/Fanning**

**Motion denied 3/2/0 (Landis and Fanning in favor)**

A motion was made and seconded to deny the renewal application.

**St. Angelo/Cover**

**Motion carried 4/1/0 (Landis against)**

*Wall and Calloway returned to the meeting.*

Representatives from Wedgewood Village Pharmacy appeared before the board regarding its nonresident pharmacy renewal application. A motion was made and seconded to refer the matter to the attorney general's office for investigation.

**St. Angelo/Cover**

**Motion carried 7/0/0**

Stephanie Voight appeared before the board regarding her pharmacy technician application. A motion was made and seconded to issue a probationary technician-in-training certification.

**Landis/Cover**

**Motion carried 7/0/0**

Amber Treadway appeared before the board regarding her pharmacy technician application. A motion was made and seconded to table the application and a request was made for applicant to provide a copy of the recovery plan and other documentation in support of the application and an addictionologist report.

**Wall/Landis**

**Motion carried 7/0/0**

Stephanie Tristano appeared before the board regarding her pharmacist intern application. A motion was made and seconded to approve the application.

**Landis/Calloway**

**Motion carried 7/0/0**

**In the Matter of the Indiana License of Rick L. Matthews, R.Ph.**

License No. 26015629A

Administrative Cause No. 2003 IBP 0005

Re: Petition to Withdraw Probation

**Parties and Counsel Present:**

Mark Mader, Deputy Attorney General

Rick Matthews, Respondent

**Participating Board Members:**

Fanning

Anderson

Cover

Calloway

Landis

Wall

St. Angelo

**Witnesses for the Respondent:**

Rick Matthews

**Witnesses for the State:**

None

**Case Summary:**

Respondent filed a petition to withdraw his probation.

**Board Action:**

A motion was made and seconded to withdraw the probationary status from Respondent's license.

**Landis/Cover**

**Motion carried 7/0/0**

**In the Matter of the Indiana License of Stephen M. Szalewski, R.Ph.**

License No. 26015110A

Administrative Cause No. 1998 IBP 0014

Re: Petition to Reinstate License

**Parties and Counsel Present:**

Mark Mader, Deputy Attorney General

Stephen M. Szalewski, Respondent

**Participating Board Members:**

Fanning

Anderson

Cover

Calloway

Landis

Wall

St. Angelo

**Witnesses for the Respondent:**

Stephen M. Szalewski

**Witnesses for the State:**

None

**Case Summary:**

Respondent petitioned the board to reinstate his suspended license.

**Board Action:**

A motion was made and seconded to reinstate Respondent's license and place his license on indefinite probation conditioned upon passing the MPJE.

**Landis/Calloway**

**Motion carried 7/0/0**

**In the Matter of the Indiana License of Edward B. Hines, R.Ph.**

License No.: 26013118A

Administrative Cause No. 2004 IBP 0020

Re: Order to Show Cause

**Parties and Counsel Present:**

Mark Mader, Deputy Attorney General

Michelle Baldwin, Respondent's counsel

**Participating Board Members:**

Fanning

Anderson

Cover

Calloway

Wall

Landis

St. Angelo

**Case Summary:**

The board issued an order to show cause regarding Respondent's failure to meet probationary terms.

**Board Action:**

A motion was made and second to accept the voluntary indefinite suspension of Respondent's license.

**Landis/Wall**

**Motion carried 7/0/0**

**In the Matter of the License of Linda S. Rodeman, R.Ph.**

License No. 26014593A

Administrative Cause No. 2007 IBP 0007

Re: Order Extending Summary Suspension

**Parties and Counsel Present:**

Mark Mader, Deputy Attorney General

Michelle Baldwin, Respondent's counsel

**Participating Board Members:**

Fanning

Anderson

Cover

Calloway

Landis

Wall

St. Angelo

**Witnesses for the Respondent:**

None

**Witnesses for the State:**

None

**Case Summary:**

The state seeks to extend the summary suspension of Respondent's license.

**Board Action:**

A motion was made and seconded to accept the settlement agreement presented by the parties voluntarily summarily suspending Respondent's license.

**Wall/Cover**

**Motion carried 7/0/0**

**In the Matter of the Certification of Ryan Scott Raines**

Certification No. 67008275A

Administrative Cause No. 2006 IBP 0038

Re: Order Extending Summary Suspension

**Parties and Counsel Present:**

Mark Mader, Deputy Attorney General

**Participating Board Members:**

Fanning

Anderson

Cover

Calloway

Landis

Wall

St. Angelo

**Witnesses for the Respondent:**

None

**Witnesses for the State:**

None

**Case Summary:**

The state seeks to extend the summary suspension of Respondent's license.

**Board Action:**

A motion was made and seconded to extend the summary suspension for an additional ninety (90) days.

**Cover/Fanning**

**Motion carried 7/0/0**

**In the Matter of the Certification of Kristina L. Perkinson**

Certification No. 67000283A

Administrative Cause No. 2007 IBP 0012

Re: Final Hearing

**Parties and Counsel Present:**

Elizabeth Ferguson, Certified Graduate Intern

Mark Mader, DAG

**Participating Board Members:**

Fanning

Anderson

Calloway

Wall

Landis

St. Angelo

Cover

**Witnesses for the Respondent:**

None

**Witnesses for the State:**

None

**Case Summary:**

The parties presented a settlement agreement.

**Board Action:**

A motion was made and seconded to issue a notice of proposed default.

**Wall/Calloway**

**Motion carried 7/0/0**

A motion was made and seconded to extend the summary suspension for an additional ninety (90) days.

**Fanning/St. Angelo**

**Motion carried 7/0/0**

**In the Matter of the Certification of Jessica Jo Napier**

Certification No. 99025304A

Administrative Cause No. 2007 IBP 0008

Re: Final Hearing

**Parties and Counsel Present:**

Elizabeth Ferguson, Certified Graduate Intern

Mark Mader, DAG

**Participating Board Members:**

Fanning  
Anderson  
Cover  
Calloway  
Wall  
Landis  
St. Angelo

**Case Summary:**

The board issued an order to show cause regarding Respondent's failure to meet probationary terms.

**Board Action:**

A motion was made and seconded to issue a notice of proposed default.

**Cover/Landis**

**Motion carried 7/0/0**

A motion was made and seconded to extend the summary suspension for an additional ninety (90) days.

**Landis/St. Angelo**

**Motion carried 7/0/0**

**In the Matter of the Certification of Stefanie Brickey**

Certification No. 67012334A  
Administrative Cause No. 2008 IBP 0002  
Re: Petition for Summary Suspension

**Parties and Counsel Present:**

Elizabeth Ferguson, Certified Graduate Intern  
Mark Mader, DAG

**Participating Board Members:**

Fanning  
Anderson  
Cover  
Calloway  
Wall  
Landis  
St. Angelo

**Case Summary:**

The board issued an order to show cause regarding Respondent's failure to meet probationary terms.

**Board Action:**

A motion was made and seconded to summarily suspend the Respondent's license for ninety (90) days.

**Cover/Landis**

**Motion carried 7/0/0**

A motion was made and seconded to table the following non-resident application:

Boothwyn Pharmacy, Inc.

**Calloway/Fanning**

**Motion carried 7/0/0**

A motion was made and seconded to change the pharmacy permit type for Community Home Health Services Pharmacy from Type III to Type VI.

**Calloway/Cover**

**Motion carried 7/0/0**

*Anika Calloway no longer in attendance at the board meeting as of 2:56 p.m.*

A motion was made and seconded to approve the following pharmacy technician training programs:

Howard Regional Health System

**Cover/St. Angelo**

**Motion carried 6/0/0**

A motion was made and seconded to table the following pharmacy technician training program and requested additional information:

Institute for the Certification of Pharmacy Technicians – ExCPT

**Cover/Wall**

**Motion carried 6/0/0**

A motion was made and seconded to table the Home Medical Equipment Service Provider application of Med-Depot, Inc.

**Anderson/Cover**

**Motion carried 6/0/0**

A motion was made and seconded to adopt the minutes of the December 10, 2007 meeting of the Board.

**Cover/Fanning**

**Motion carried 6/0/0**

The Board approved the appearances of the following probationers:

Gerry Bowman  
Gilbert Chavarria  
James Dudek  
Traci Holling  
Robert Jaberg  
Michael Long  
Gary Trauth  
Ernest Whitacre  
Dennis Mock  
Murr  
Noffel  
Elaine Niese

**Fanning/Wall**

**Motion carried 6/0/0**



The Board approved the appearances of the following probationers:

Edward Hines  
Angela Kruer  
Ricky Mathews  
Jeramiah Strunc  
Valerie Ziemkowski  
Teri Mihelich

**Cover/Fanning**

**Motion carried 6/0/0**

A motion was made and seconded to request a personal appearance with regard to the following pharmacy technician applications:

Terri Cutshaw

**Fanning/Wall**

**Motion carried 6/0/0**

A motion was made and seconded to approve the following pharmacy technician applications:

Celeste Elzea  
Isaac Christ  
Dawn Spencer  
Breena Allen

**Fanning/Cover**

**Motion carried 6/0/0**

A motion was made and seconded to approve the following requests for age waivers for pharmacy technician applications:

Chris McDougal  
Adrien Elsler  
Christina VonAllmen  
Nicholas Lindauer  
Sarah Shields  
Abby Applegate  
Sabrina Edwards  
Katlyn Sparks  
Katia Murphy  
Sean Parchman  
Haley Tusky

**Fanning/Landis**

**Motion carried 6/0/0**

A motion was made and seconded to approve the following requests to issue second technician-in-training permits:

Cindy Minnis  
Nelda Patton

**Fanning/Landis**

**Motion carried 6/0/0**

A motion was made and seconded to approve the following continuing education applications:

Ann Yates, RPh (11 - 1hr)  
James Roy, Pharm. D. (1hr)  
Nehal Pandya, Pharm.D. (0.5 hrs)  
Parkview Hospital, Inc (4 hrs)  
St. Joseph Pharmacy Association (4 – 1 hrs.)

**Landis/Cover**

**Motion carried 6/0/0**

A motion was made and seconded to table the remodel/change of location application for Evansville State Hospital and request a personal appearance.

**Wall/Fanning**

**Motion carried 6/0/0**

A motion was made and seconded to request a personal appearance for Daniel Weaver.

**Wall/Fanning**

**Motion carried 6/0/0**

A motion was made and seconded to approve the following wholesale drug distribution applications:

Claris Lifesciences, Inc.  
Savient Pharmaceuticals, Inc

**Anderson/Cover**

**Motion carried 7/0/0**

A motion was made and seconded to table the electronic data intermediary application for Biodose On Line Ordering System and request more information.

**Anderson/Cover**

**Motion carried 6/0/0**

A motion was made and seconded to approve the following renewal applications:

La Porte Hospital – Pharmacy and CSR Positive Response  
Rite Aid Discount #4654 – Pharmacy and CSR Positive Response  
Central Indiana Cancer Centers Pharmacy – Pharmacy and CSR Positive Response  
Clarian West Medical Center Inpatient Pharmacy – Pharmacy Positive Response  
St. Vincent Hospital – CSR Positive Response  
Hook-SuperRx, LLC dba CVS Pharmacy #6638 – Pharmacy Positive Response  
Hook-SuperRx, LLC dba CVS Pharmacy #6252 – Pharmacy Positive Response  
Hook-SuperRx, LLC dba CVS Pharmacy #6673 – Positive Response  
St. Vincent Primary Care Ctr Pharmacy – Pharmacy and CSR Positive Response  
Clarian West Medical Center Inpatient Pharmacy – Pharmacy and CSR Positive Response

**St. Angelo/Wall**

**Motion carried 6/0/0**

A motion was made and seconded to table the following matters:

Low Cost Rx #2, Inc – Positive Response  
Walgreen Co – Litigation Pending  
Walgreen Co – Pharmacy Litigation Pending  
Walgreen Co #3363 – Pharmacy Positive Response  
Walgreen Co dba Walgreen #10939 – Pharmacy Positive response  
Walgreen Co – Pharmacy Positive Response  
Walgreen Co #2931 – Pharmacy Positive Response  
Walgreens #10929 dba Tucker Pharmacy – Pharmacy Positive Response  
Walgreen Co #3065 – Pharmacy Positive Response  
Hook-SupeRx, LLC dba CVS Pharmacy #44 – Litigation Pending  
Hook-SupeRx, LLC dba CVS Pharmacy #6551 – Litigation Pending  
Hook-SupeRx, LLC dba CVS Pharmacy #0684 – Litigation Pending  
Hook-SupeRx, LLC dba CVS Pharmacy #6561 – Litigation Pending  
Hook-SupeRx, LLC dba CVS Pharmacy #6576 – Litigation Pending  
Hook-SupeRx, LLC dba CVS Pharmacy #8674 – Litigation Pending  
Hook-SupeRx, LLC dba CVS Pharmacy #6254 – Litigation Pending  
Hook-SupeRx, LLC dba CVS Pharmacy #6572 – Positive Response  
Hook-SupeRx, LLC dba CVS Pharmacy #6605 – Positive Response  
Hook-SupeRx, LLC dba CVS Pharmacy #4982 – Positive Response  
Hook-SupeRx, LLC dba CVS Pharmacy #6557 – Positive Response  
Hook-SupeRx, LLC dba CVS Pharmacy #6594 – Litigation Pending  
Hook-SupeRx, LLC dba CVS Pharmacy #7791 – Litigation Pending  
Hook-SupeRx, LLC dba CVS Pharmacy #6583 – Litigation Pending

**St. Angelo/Wall**

**Motion carried 6/0/0**

A motion was made and seconded requesting a personal appearance for Walgreens #06420.

**St. Angelo/Wall**

**Motion carried 6/0/0**

A motion was made and seconded to table the Walgreens #06454 and to request more information.

**St. Angelo/Wall**

**Motion carried 6/0/0**

## **MISCELLANEOUS**

Board Director's Report

## **OLD/NEW BUSINESS**

A motion was made and seconded to issue an Order to Show Cause against Fred Mikler.

**Wall/St. Angelo**

**Motion carried 6/0/0**

A motion was made and seconded to file the Pharmacist Immunization Proposed Rule with Legislative Services Agency.

**Cover/St. Angelo**

**Motion carried 6/0/0**

A motion was made and seconded to elect Del Fanning to serve as the CSAC representative.

**Anderson/Wall**

**Motion carried 6/0/0**

A motion was made and seconded to elect William Cover as the board president.

**Wall/Landis**

**Motion carried 6/0/0**

A motion was made and seconded to elect Del Fanning as the board vice president.

**Landis/Wall**

**Motion carried 6/0/0**

The meeting adjourned at 4:55 p.m.

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**Steve Anderson, R.Ph., President**  
**Indiana Board of Pharmacy**

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**Date**

**Next Scheduled Meeting:**

Monday, February 11, 2008  
Indiana Professional Licensing Agency  
Conference Room W064